

DECEMBER 10, 2019

**BOARD OF ZONING APPEALS
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, December 10, 2019, at 6:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Board members attending: Charles Krueger, Chris Tordi, Charles Trippel, Marcia Wells, and Larry Stillson. In addition to members of the public, the following were also in attendance: Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

The 2020 Rules of Procedure, 2020 meeting calendar, and fee schedule were approved as distributed.

Mr. Trippel explained the Rules of Procedure.

The Minutes of the November 12, 2019, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #19-51 An appeal submitted by Joel Anderson requesting a Developmental Variance for **1705 Panama Street** to allow a front porch/deck with a 10' front yard setback.

Joel Anderson, 1705 Panama Street, Mishawaka, said the issue appears to be changing of the building material which he was unaware of. He said if he had known, he might have gone with concrete.

Mr. Anderson said he was building the deck real quick on the same foundation as it seemed to be the easier solution. He said the concrete was cracked and unsafe.

Mr. Stillson asked if this was his residence. Mr. Anderson said yes.

Mr. Trippel closed the Public Hearing on Appeal #19-51.

Staff Recommendation

Staff recommends **approval** of Appeal #19-51 to allow a front porch addition to be constructed with an 8' front yard setback. This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction;

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the stoop is existing and other nearby houses are closer to the setback; and*
3. *Strict application of the terms of this chapter will result in practical difficulties in the use of the property because the home already sits closer than the setback allows.*

MOTION: Larry Stillson moved to approve Appeal #19-51. Marcia Wells seconded; motion carried with a vote of 5-0.

Mr. Trippel announced to the Board that he is resigning from the Board effective immediately. He thanked the staff for their service this past year.

ADJOURNMENT: 6:05 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Planning Department